

Application No.**Applicant(s)**

10/760,443

EOFF ET AL.

Response to Rule 312 Communication**Examiner****Art Unit**

JOHN J. FIGUEROA

1796

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

1. ☒ The amendment filed on 22 February 2010 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☐ disapproved. See explanation below.
- e) ☒ entered in part. See explanation below.

The amendment to claims 77 and 187 has been entered. However, proposed new claims 221-233 have not been entered.

The current amendment to independent claims 77 and 187 removing the limitation regarding the hydrophobic branch comprising an alkyl chain has been approved by Examiner as not pertinent to the reasons for allowance of the present claims. [Examiner notes that underlined segments in the current amendment to these two independent claims had been previously presented in the Examiner's Amendment dated February 8, 2010.]

However, proposed new claims 221-233 do not limit the molecular weight of the recited hydrophobically-modified hydrophilic polymer. As discussed in Examiner's reasons for allowance submitted with the Notice of Allowability of February 8, 2010, the molecular weight limitations present in the allowable claims were crucial in patentably distinguishing the claimed invention from the prior art of record. Accordingly, the scope of these new claims is not in accordance with that of the allowed claims and, consequently, entry of these newly presented claims has been denied.

/James J. Seidleck/
Supervisory Patent Examiner, Art Unit 1796